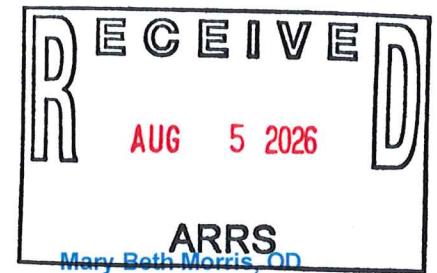




Andy Beshear
GOVERNOR

COMMONWEALTH OF KENTUCKY
BOARD OF OPTOMETRIC
EXAMINERS

100 Consumer Lane
Frankfort, Kentucky 40601
(502) 234-2114



August 5, 2026

Senator Stephen West
Representative Derek Lewis
Legislative Research Commission
083, Capitol Annex
702 Capitol Avenue
Frankfort, KY 40601

Dear Co-Chairs,

The Kentucky Board of Optometric Examiners ("KBOE") respectfully proposes the attached agency amendment to 201 KAR 5:021.

The following agency proposed changes will mirror the changes made to 201 KAR 5:021E which was approved in the July 16, 2026 Health Services Interim Joint Committee meeting.

-Section 2 (1) and Section 3 remove the Optometry Examining Board of Canada (OEBC) as an allowable substitution after April 15, 2026 for NBEO Part 1 for initial licenses approved by the Board for individuals who graduated optometry school between 2020-2023. The results of the OEBC exam will only be accepted if the exam was taken or test results were submitted between July 30, 2025 and April 15, 2026

-Section 2 (3) (a) and (b) remove the American Board of Optometry (ABO) board certification exam as an allowable substitution after July 17, 2026 for NBEO Part 3 for initial licenses approved by the Board for individuals who graduated optometry school between 2020-2023. The results of the ABO exam will only be accepted if the exam was taken between February 5, 2026 and July 17, 2026.

-Section 4 removes the ABO reference in the requirements for affected licensees that are credentialed to perform laser procedures.

Thank you for your time and consideration and please feel free to contact me with any comments or questions.

Sincerely,

Mary Beth Morris, OD
President

Agency Amendment
August 5, 2026

BOARDS AND COMMISSIONS
BOARD OF OPTOMETRIC EXAMINERS

201 KAR 5:021. Licensure Compliance Review.

RELATES TO: KRS 320.220, 320.250, 320.280.

STATUTORY AUTHORITY: KRS 320.240

NECESSITY, FUNCTION, AND CONFORMITY: KRS 320.240(4) requires the Board of Optometric Examiners to promulgate administrative regulations for the reasonable regulation of the profession of optometry and the practice thereof by licensed optometrists. This administrative regulation is necessary to address the directive for the Board of Optometric Examiners to investigate and review certain licensures per the Opinion of the Attorney General, OAG 25-13 in a way best to protect public health and welfare.

Section 1. This administrative regulation shall be in effect until 2/28/2027.

Section 2. For all initial licenses approved by the Board for individuals who graduated optometry school between 2020-2023, the following examinations shall be taken and a passing score must be submitted and in the possession of the Board prior to license renewal for 2027:

- (1) National Board of Examiners in Optometry (NBEO) Part 1 results ~~[or Optometry Examining Board of Canada (OEBC) Part 1 results];~~
- (2) NBEO Part 2 and TMOD results; and
- (3) (a) NBEO Part 3 results; or
(b) The results of the American Board of Optometry (ABO) board certification exam if taken between February 5, 2026 and July 17, 2026.

Section 3. **A licensee may submit a passing score of the Optometry Examining Board of Canada (OEBC) Part 1 to satisfy the requirements of Section 2(1) of this administrative regulation if the OEBC Part 1 test was taken by the licensee or test results were submitted by the licensee to the Kentucky Board of Optometric Examiners between July 30, 2025, and April 15, 2026.**

Section 4. ~~[The ABO board certification exam shall be utilized for this limited purpose and for the specific review of licenses.]~~ Any licensee who has not met the requirements of ~~[Section 2 of]~~ this administrative regulation shall not perform the following procedures until all required results are submitted, reviewed and accepted by the Board:

- (1) Argon Laser Trabeculoplasty (ALT);
- (2) Selective Laser Trabeculoplasty (SLT);
- (3) Laser Peripheral Iridotomy (LPI); or
- (4) Yttrium Aluminum Garnet (YAG) capsulotomy.

Section 5. The Board shall provide written notice to the Office of the Attorney General when the investigation and review is complete.

FISCAL IMPACT STATEMENT

201 KAR 5:021

Contact Person: Christi LeMay

Phone: (502) 234-2114

Email: christi.lemay@ky.gov

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 218A.205(3)(g), 320.220, 320.250, 320.270, 320.280

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: No.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Kentucky Board of Optometric Examiners.

(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):

1. Expenditures:

For the first year: \$350 expenditure increase with this amendment.

For subsequent years: \$0 expenditure increase with this amendment.

2. Revenues:

For the first year: \$0 revenue increase with this amendment.

For subsequent years: \$0 revenue increase with this amendment.

3. Cost Savings:

For the first year: \$0

For subsequent years: \$0

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): N/A.

(b) Estimate the following for each affected local entity identified in (4)(a):

1. Expenditures:

For the first year: N/A

For subsequent years: N/A

2. Revenues:

For the first year: N/A

For subsequent years: N/A

3. Cost Savings:

For the first year: N/A

For subsequent years: N/A

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): N/A

(b) Estimate the following for each regulated entity identified in (5)(a)

1. Expenditures:

For the first year: N/A

For subsequent years: N/A

2. Revenues:

For the first year: N/A

For subsequent years: N/A

3. Cost Savings:

For the first year: N/A

For subsequent years: N/A

(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a):

(a) Fiscal impact of this administrative regulation: The agency amendment does not change or increase any fees paid to the Kentucky Board of Optometric Examiners.

(b) Methodology and resources used to reach this conclusion: N/A

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): No.

(b) The methodology and resources used to reach this conclusion: This amendment does not change any applicant fees paid to the Kentucky Board of Optometric Examiners.